SUMMARY OF INCIDENT

Culver City Police Department conducted a narcotics operation on June 4, 1993. The confidential informant used by Culver City in the operation was robbed by the suspects. The suspects left the location in a grey Chevrolet Camaro, license [redacted] The Camaro was followed by Culver City undercover police officers. The officers were in Lakewood Sheriff's Stations area when a Chevrolet Caprice, occupied by two or more Hispanic males, drove alongside the undercover vehicle and the occupants of the Caprice began shooting at the police officers. Culver City Police Officers were unable to get a license number for the Caprice. The narcotics suspects and occupants of the Caprice evaded arrest. The officers could only give a vague description of the Caprice's occupants, i.e., two heavy set Hispanic males. No one was injured during the incident.

The Sheriff's Narcotics Bureau Major Violators Teams #1 and #3, became involved in the surveillance of the Camaro when it was observed at the registered owners residence on June 14, 1993. The narcotics teams surveilled the Camaro in hopes that it would lead them to the Chevrolet Caprice and its occupants.

On June 15, 1993 the Camaro, occupied by 2 Hispanic males left the Los Angeles area, heading southbound on Interstate 5, in tandem with another vehicle, a Hyundai Excel, occupied by 3 Hispanic males. The vehicles got off the freeway on 17th Street in Santa Ana and proceeded to Grand Avenue, where the Camaro turned left into a Mobil Gas Station, and the Excel turned right into a Pioneer Chicken Restaurant.

Deputy Ballestros, who was driving an undercover narcotics bureau unit, was positioned in a parking lot on the southwest corner of 17th Street and Grand Avenue, observing the Camaro, which was parked directly across the street in the gas station on the northwest corner. He was keeping the other units informed of the suspects activity.

Deputies Demilio and Morris were in a grey Pontiac Grand-Am watching the suspects in the Camaro and the Hyundai from their position near Deputy Ballestros. They stated that the suspects in both cars were using hand signals to communicate back and forth across 17th Street.

> I.A. B. NOTE: During this incident the narcotics crew thought the suspects were preparing to make another narcotics transaction. After the incident was over investigators determined the suspects were involved in a theft from smugglers bringing in illegal immigrants.

Sergeant Fender, when interviewed by Santa Ana Detectives, stated that he and some other narcotics team members were located at [redacted] west of Grand Avenue, in a parking lot. He notified Santa Ana Police Department of their surveillance, and requested that a Santa Ana Police Officer meet him at his location.

According to statements by Sergeant Fender, the suspects in the Camaro stopped on the west side of the Mobil Station, Exhibit A, immediately got out of the car and started making phone calls on the pay phone. The suspects in the Excel got out of their car and went inside the Pioneer Chicken Restaurant and ordered food.

Within minutes, according to Fender, a Mazda pick up truck drove northbound from 17th street, stopped in the driveway next to the Mobil Station's pay phones, and a Hispanic female, [redacted] got out of the passenger side door. The pick up truck then drove northbound from the location. The female walked to the pay phones and began a conversation with the two males from the Camaro.

Sergeant Fender stated that a Santa Ana Police Officer arrived at his location and he began to brief the officer about the incident. He stated that at this point he anticipated the suspects would be detained for a narcotics investigation, with the assistance of Santa Ana Police Department.

Sergeant Fender said that Deputy Ballestros informed them that the Mazda pick up truck and several male occupants had returned to the Mobil Station and stopped west of the pay phones. A Hispanic male, [redacted] got out of the bed of the pick up truck and walked to the Camaro.

Witness [redacted] stated that he and Witness [redacted] were part of an illegal immigrant smuggling ring. [redacted] said that [redacted] and he housed several illegal immigrants who were smuggled in from Mexico. On that evening they had been contacted by someone to bring [redacted] and [redacted] two illegal immigrants that had been smuggled into the country earlier, to the Mobil Station. [redacted] was the driver of the Mazda pick up truck and [redacted] was the passenger.

[redacted] said that they dropped off [redacted] at the Mobil Station and collected $600 from the men waiting at the station, [redacted] and [redacted] They went back to get the male, [redacted] said that, after they dropped off [redacted] the driver of the Excel, Suspect Ramiro Serrano, walked to the passenger side of the Mazda carrying a machine gun and began talking to the occupants. The second suspect from the Hyundai, Jesus Serrano, stood behind Ramiro Serrano.

According to [redacted] Suspect Ramiro Serrano told them he would kill them if they did not give him the Mazda pick up truck and give back the $600 he had paid for [redacted] and [redacted]

Deputy Ballestros was also interviewed by Santa Ana Police Detectives. He stated that, after the Mazda returned, the suspects in the Excel drove to the Mobil Station and joined the suspects who had been in the Camaro.

A short time later, according to Sergeant Fender, Deputy Ballestros informed them that Suspect Ramiro Serrano was attempting to open the passenger door of the Mazda pick up truck, and he appeared visually upset. Deputy Ballestros advised them that the narcotics team should prepare to move in to control the incident. Sergeant Fender stated that Ballestros also stated that the suspects had drawn weapons and were ordering the occupants of the Mazda to get out of their truck.

Deputies Corcoran, and Ballestros indicated that Suspect Ramiro Serrano appeared to be holding a Mac 10 or a Tec 9 automatic pistol. Both Deputies stated that Suspect Jesus Serrano appeared to be carrying a Beretta style 9mm automatic pistol.

Deputy Corcoran stated that the two armed suspects, Jesus and Ramiro Serrano, fired several shots at the Mazda prior to the deputies arriving. Witness [redacted] also stated that she saw both suspects fire shots into the ground at the station, prior to the arrival of the deputies.

Deputies Demilio and Morris crossed 17th Street from their position south of the suspects, and were the first to arrive at the location. Deputy Demilio, driver of the grey Pontiac Grand Am, stopped the car directly south of the Mazda pick up truck, Exhibit A. When interviewed by Santa Ana Police Detectives, Deputy Demilio stated that he inadvertently got too close to the suspects vehicles.

Witness [redacted] stated that she was at the gas pumps on the south side of the Mobil Station, Exhibit D, when she heard tires squealing and saw a lighter colored car (Demilio's grey Pontiac Grand Am), drive quickly into the station and stop rapidly. The passenger door of the Grand Am came open as the vehicle came to a stop. She could hear yelling, but she could not determine who was yelling, or what they were saying.

Witness [redacted] said that she saw the passenger of the Grand Am, (Deputy Morris), start to get out of the car, shooting at the males at the west side of the station. She did not get a very good look at the passenger, Deputy Morris. She did not know if he was male or female or anything about his clothing.

Witness [redacted] described the sound of the shots, because there were so many and in such rapid succession, as if it were the fourth of July. She believed Deputy Morris was the first to begin shooting. She then saw flashes of gun fire coming from the suspects location, however, she could not tell who was shooting or what kind of a weapon he had.

Witness [redacted] said she heard people yelling, but could only remember them saying, "get down." She could not remember if they were police officers.

Deputy Morris and Deputy Demilio stated that they had a red light activated, facing forward toward the suspects, Exhibit B. Deputy Morris said that he got out of the vehicle wearing his green raid jacket, and announced to the suspects that they were from the Sheriff's Department. He stated that both suspects turned in their direction and began firing at them.

Deputy Demilio stated that he was wearing a green vest with the word "Sheriff" on the front and back. The vest also has a gold cloth badge sewn on the left front breast area.

Both Deputies Demilio and Morris stated that the two armed suspects fired at them and began moving away from the Mazda. Both had been advised by Deputies Corcoran and Ballestros that two of the suspects had weapons. Deputy Demilio stated that the second suspect, Jesus Serrano, was running in a southeasterly direction. He stated that it looked as if the suspect had something in his hand. He believed it was a gun. He stated that the suspect appeared to be trying to move behind his partner's position to gain a tactical advantage. He did not remember shooting at Suspect Jesus Serrano, and could not recall if the suspect was shooting at them. He stated that he focused his attention on the other armed suspect, Ramiro Serrano, believing that Deputy Morris, who was closer to Suspect Jesus Serrano, would take the responsibility for him, Exhibit E.

> I.A.B. NOTE: The coroners report revealed that two rounds from Deputy Demilio's weapon struck Jesus Serrano. One round struck the suspect in the left leg and the other struck him in the rear of the head. Deputy Morris fired one round that struck the suspect in the right side, passing through the right lung and then striking the suspect's heart. The round, by Deputy Demilio, that struck the suspect in the head was determined to have

caused death instantly.

(The initial coroner's report, by Orange County Forensic Pathologist Dr. Fukumoto, indicated that the round striking the suspect in the head could only have occurred when the suspect's head was face down against the ground, or, if erect, his head was against a solid surface. Santa Ana Police Department conducted additional interviews regarding the incident because they were concerned about the possibility the suspect was executed).

Orange County Criminalists Dan Gammie and Nathan Cross were interviewed. They stated the round fired by Deputy Demilio had to have been fired while the suspect was running, because the suspect sustained abrasions to the top of his feet, and the top of his right hand. These abrasions would have occurred only if the suspect was unconscious when he fell face first to the ground. An examination of the suspect's hair and clothing was made and it was determined that there was no evidence of gunpowder residue, which indicates the round fired by Deputy Demilio was made from a distance in excess of 10 feet.

Sergeant [redacted] from Homicide, Santa Ana Police Department, stated his agency is convinced beyond any doubt the round fired by Demilio was done at a distance beyond 10 feet while the suspect was running. He stated that, in addition to the physical evidence presented by the criminalists, there were several witnesses that would have noticed had anyone gone to Jesus Serrano's body and executed him.

Witnesses [redacted] and [redacted] also stated that Suspect Jesus Serrano was armed with some type of handgun.

> I.A.B. NOTE: Jesus Serrano's weapon has not been recovered. There were two unidentified shell casings with markings 9X12 Y92 on the bottom. It is currently unknown which weapon these casings were fired from. A third weapon, Exhibit C, was found inside the Camaro. This weapon was not used during the incident.

Deputy Morris stated that he saw the second suspect, Jesus Serrano, moving in a southeasterly direction. He stated that Jesus Serrano had what appeared to be a small 9mm or .380 caliber handgun in his hand. Morris stated he could see the muzzle flashes and the slide moving as the suspect ran. He was concerned the suspect was moving to a position behind him where Morris would not have any cover from the suspect. He fired six to eight shots at the suspect, and could tell the suspect was hit. He stated that he saw Santa Ana Police units pulling in behind him and felt that they would deal with the second suspect. He then turned back toward the suspects in the Camaro.

Neither Deputies Morris nor Demilio were aware of the position of the third suspect that had been in the Hyundai. Witness [redacted] stated that he was driving southbound on Grand Avenue preparing to make a right turn to westbound 17th Street. He heard gun shots and saw two Hispanic males running eastbound through the Mobil Gas Station located on the northwest corner of 17th Street and Grand Avenue. One suspect, Ramiro Serrano, was bleeding from his shoulder. The other suspect turned northbound past the east side of the gas station, and continued through the Save On parking lot, located just north of the Mobil Station. He described the third suspect as a Hispanic male 25 years old, wearing a cowboy hat, a flower print shirt with brown pants and cowboy boots.

I.A.B. NOTE: The third suspect escaped and has not been positively identified.

Witness [redacted] said that a Hispanic male, Ramiro Serrano, wearing a white shirt ran past her between her car and the station. He ran eastbound on the south side of the gas station office, then turned in a northerly direction out of her view.

I.A.B.NOTE: Suspect Ramiro Serrano dropped the Tec 9 in front of the gas station and continued running eastbound across Grand Avenue.

Deputy Demilio went in foot pursuit of Suspect Ramiro Serrano. Deputy Demilio ran eastbound on the north side of the gas station and fired two shots at Ramiro Serrano while Demilio was directly to the north of the gas station building. He stated when he was interviewed that he did not remember seeing the Tec 9, but assumed the suspect still had it.

Demilio ran eastbound across Grand Avenue and stopped on the south side of the building at [redacted] as the suspect continued eastbound on the north side of the building. Demilio was still within the sight of law enforcement officers at the Mobil Station. The suspect ran to the back of the building then turned southbound and ran to the southeast corner of the building, Exhibit G.

Two Santa Ana Police Officers followed Deputy Demilio and assisted in containing the location.

According to Detective [redacted] Santa Ana Police Department, Suspect Ramiro Serrano then turned westbound on the south side of the building, heading toward Deputy Demilio, who was at the southwest corner of the building. Demilio yelled for the suspect to raise his hands and fired two rounds at the suspect, when he failed to comply with his orders. The suspect then turned and ran eastbound along the southern property line at [redacted]

Deputy Ballestros saw Suspect Ramiro Serrano running eastbound across Grand Avenue toward a Pet Hospital, located at [redacted] Deputy Ballestros drove his vehicle to the back of the building located at [redacted] in an attempt to contain the location from the rear. The property at [redacted] abuts the southeast property line of the Pet Hospital, [redacted]

Deputy Ballestros stated that he saw the suspect, Ramiro Serrano, appear in the bushes at the back of the property located at [redacted] Exhibit H. He identified himself as a deputy sheriff and ordered the suspect in Spanish to come out with his hands up. The suspect did not comply with his order, turned and moved westbound out of his view. The suspect reappeared and Ballestros again ordered the suspect to freeze. Deputy Ballestros repeated the orders several times and the suspect refused to obey the instructions replying in Spanish, "I don't care who you are. I'm going to kill you." After several attempts to get the suspect to comply Deputy Ballestros fired several shots at the suspect as the suspect began moving westward toward a group of on coming police officers.

Witness [redacted] residing at [redacted] north of the second shooting scene, stated that she heard several shots coming from 17th Street and Grand Avenue. She went outside and walked in that direction. She heard someone yelling "Stop Police or I'll shoot." She stated that she heard the command several times. She then heard four or five gun shots.